

2422-CC00318

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IN THE 22ND JUDICIAL CIRCUIT COURT OF THE CITY ST. LOUIS
STATE OF MISSOURI

JESSICA L. DURAN,

Plaintiff,

v.

ST. LOUIS BLUES HOCKEY CLUB, L.P.

Serve Registered Agent:

Phillip Siddle

1401 Clark Avenue

St. Louis, MO 63103,

and

FAIR ST. LOUIS FOUNDATION d/b/a

FAIR ST. LOUIS

Serve Registered Agent:

James H. Howe, IV

301 N. Prospect Ave.

St. Louis, MO 63110

and

KLANCE STAGING, INC.

Serve Registered Agent:

Linn J. Vogt

1375 Jefferson St.

Pacific, MO 63069

and

SECURITAS SECURITY SERVICES USA,
INC.

Serve Registered Agent:

National Registered Agents, Inc.

120 South Central Avenue

Clayton, MO 63105

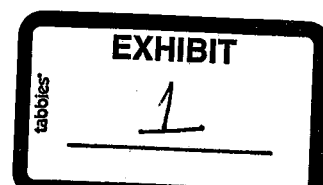
Defendants.

Cause No. _____

Division _____

PETITION FOR DAMAGES

Plaintiff Jessica L. Duran, by and through her counsel of record, hereby submit Plaintiff's Petition for Damages against the Defendant St. Louis Blues Hockey Club, L.P., Defendant Fair St. Louis Foundation d/b/a Fair St. Louis, Defendant Klance Staging, Inc. and Defendant Securitas Security Services, USA, Inc., and in support of her causes of action, states the following:



PARTIES AND VENUE

1. Plaintiff Jessica Duran (hereinafter “Plaintiff”) is an individual and resident of the State of Missouri.

2. Defendant St. Louis Blues Hockey Club, L.P. (hereinafter “Defendant Blues”), is a domestic limited partnership registered in the State of Missouri that owns and/or operates the St. Louis Blues, a member of the National Hockey League, with its principal place of business located at 231 South Bemiston, Ste. 1200, Clayton, MO 63105. Defendant Blues may be served with process via its registered agent noted above.

3. Defendant Fair St. Louis Foundation d/b/a Fair St. Louis (hereinafter “Defendant Fair St. Louis”), is a domestic nonprofit corporation registered in the State of Missouri, with its principal place of business located at 301 Prospect Avenue., St. Louis, MO 63110. Defendant Fair St. Louis may be served with process via its registered agent noted above.

4. Defendant Klance Staging, Inc. (hereinafter “Defendant Staging”), is a domestic for-profit corporation registered in the State of Missouri, with its principal place of business located at 1375 Jefferson Street, Pacific, MO 63069. Defendant Staging may be served with process via its registered agent noted above.

5. Defendant Securitas Security Services USA, Inc. (hereinafter “Defendant Securitas”), is a foreign for-profit corporation registered in the State of Missouri, with its principal place of business located at 9 Campus Drive, Parsippany, NJ 07054. Defendant Staging may be served with process via its registered agent noted above.

6. Jurisdiction and venue are proper in this Court as the incident, injuries, and occurrences that are the subject of this matter occurred in the City of St. Louis, St. Louis County, Missouri.

FACTS COMMON TO ALL COUNTS

7. Plaintiff hereby incorporates by reference all of the preceding allegations of the Petition as if fully set forth herein.

8. On or about June 15, 2019, Defendant Blues sponsored, held, organized and/or otherwise was responsible for an event in celebration of the St. Louis Blues Hocket team winning the 2019 Stanley Cup (hereinafter “the event”).

9. The event took place in the City of St. Louis, State of Missouri.

10. As a part of the event, Defendant Blues contracted and/or entered into an agreement with Defendant Fair St. Louis.

11. As part of the event, Defendant Fair St. Louis contracted with and/or entered into an agreement with Defendant Staging and/or Defendant Securitas.

12. As part of the event, Defendant Blues and Defendant Fair St. Louis planned logistics for the event, including but not limited to: planning the physical layout of the event, planning the physical layout of the stage including barricades if any, planning security for the event, and security for the stage area.

13. Defendant Securitas provided security for the event.

14. As a part of the event, Defendant Blues, Defendant Fair St. Louis, Defendant Staging and erected a stage to be used for the event (hereinafter “the stage”).

15. The stage was located several feet above the ground, with numerous bushes and other audiovisual equipment, including speakers, in front of the stage.

16. There was no barricade or any other type of barrier between the stage and the crowd staffed with security or medical personnel, which is commonly referred to in the event planning industry as a “Pit”.

17. Upon information and belief, Defendant Blues players were not briefed or instructed by the Defendant Blues or any other person or entity regarding crowd safety for the event.

18. During the event, members of the public were invited to climb up onto the stage over the bushes and equipment by hockey players which were employee / agents of Defendant Blues.

19. Plaintiff was invited onto the stage by Robert Fabbri, an employee / agent hockey player of Defendant Blues.

20. Defendant Blues Employee / Agent hockey player Robert Fabbri took a selfie with Plaintiff while she was on the stage.

21. After Plaintiff was invited by Mr. Fabbri onto the stage, City of St. Louis police officers ordered Plaintiff off the stage.

22. Plaintiff was not directed to use the ingress/egress stairs on the stage, but instead, was directed to go back off the front of the stage.

23. In exiting the stage over the bushes and sound equipment, Plaintiff fell and struck her head on a speaker (hereinafter “the fall”).

24. Due to the fall, Plaintiff suffered severe injuries, including but not limited to, a traumatic brain injury, trauma induced Chiari malformation or alternatively an asymptomatic Chiari malformation caused to become symptomatic by trauma, and cervical spine injuries.

COUNT I – NEGLIGENCE
Plaintiff v. All Defendants

25. Plaintiff hereby incorporates by reference all preceding allegations of the Petition as if fully set forth herein.

26. At all times relevant herein Defendants were responsible for the organization, planning, management, operation, and security of the event.

27. Defendants owed a duty to exercise reasonable care in the organization, planning, management, operation and security of the event so as to not cause injury or damage to Plaintiff.

28. Defendants breached their duty to Plaintiff when it operated the event negligent manner prior to and at the time of the fall.

29. Defendants’ negligent conduct included, but was not limited to, the following:

- i. Failing to plan for the event by failing to plan adequate crowd control and safety mechanisms for the stage and surrounding area, including use of a “Pit” area with barricades, security personnel, and medical personnel in front of the stage to prevent people from getting on the stage;

- ii. Failing to implement adequate crowd control and safety mechanisms for the stage and surrounding area, including use of a “Pit” area with barricades, security personnel, and medical personnel in front of the stage to prevent people from getting on the stage;
- iii. Failing to ensure the stage constructed for the event included a barricade or barrier to separate the crowd from the stage area to prevent people from getting on the stage;
- iv. Failing to ensure there were security personnel in front of the stage to separate the crowd from the stage area to prevent people from getting on the stage;
- v. Failing to instruct St. Louis Blues Hockey players not to invite crowd members onto the stage, to discourage crowd members from getting on the stage, and brief them on crowd safety prior to the event;
- vi. Failing to adopt and/or implement a contingency plan for crowd members getting onto the stage and planning for their safe egress by stairs on the side of the stage;
- vii. Failing to instruct and supervise their agents, employees, contractors, and third parties – such as the City of St. Louis police officers, as to a contingency plan for crowd members getting onto the stage and planning for their safe egress by stairs on the side of the stage;
- viii. Failing to allow Plaintiff to utilize the egress stairs to exit the stage; and
- ix. Such other acts and omissions of negligence as will be determined through discovery.

30. Defendants’ negligence was the sole and proximate cause of the fall.

31. As a direct and proximate result of the Defendants’ negligence, Plaintiff was injured and has sustained the following damages, all in excess of \$25,000.00:

- i. Past medical expenses;
- ii. Future medical expenses;

- iii. Out of pocket expenses;
- iv. Lost of past income and future earning capacity;
- v. Permanent physical damage;
- vi. Past and future physical and mental pain and suffering.

WHEREFORE, Plaintiff prays for judgment against Defendant St. Louis Blues Hockey Club, L.P., Defendant Fair St. Louis Foundation d/b/a Fair St. Louis, Defendant Klance Staging, Inc. and Defendant Securitas Security Services, USA, Inc. for Count I of the Petition for Damages in an amount in excess of \$25,000.00, and for costs, for pre-judgment and post-judgment interest, and for such other relief as the Court finds just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury as to all Counts of Plaintiff's Petition.

Respectfully submitted,

DICKERSON OXTON, LLC

/s/ Kahlie M. Hoffman

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